

additional rules due to increases in public use. Indiscriminate vehicle use in that portion of the Sand Mountain Recreation Area, where the off-road vehicle designation is "limited", has destroyed vegetation, caused harassment of wildlife, and threatens the integrity of the Sand Springs Pony Express Station and Desert Study Area. These supplementary rules specifically identify those routes that are open to vehicle use within this "limited" designation area. Rules regarding the closure of certain lands within the Recreation Area to camping were published in the **Federal Register** on July 1, 1992. This notice contains a legal description of those lands and designates the area of Developed Recreation Site for the Walker Lake Recreation Area.

III. Responses to Comments

In this portion of the Supplementary Information, we will discuss the sections of the proposed rules upon which the public commented, or that need to be changed for some other reason. If we do not discuss a particular section or paragraph, it means that no public comments addressed the provision. However, we may change the wording of other sections where we find clarification or style changes necessary or appropriate, and there is no other need for substantive amendment in the final rule.

Section 1.a and Section 3.a: Two comments suggested not requiring whip flags to be attached to motorcycles. BLM considers that any vehicle driving on the dunes may be obscured from view by the crest of a dune and thus not seen by other drivers or pedestrians. The use of whip flags increases vehicle visibility and thereby improves recreation safety.

Section 1.c: We had three comments on lifting the restricted area or limited OHV area status at Sand Mountain. The limited OHV designations have been in place since 1988, CFR, Vol. 53, No. 179, page 35917, Sept. 15, 1988 (NV-030-08-4333-13). The restrictions and limited use areas protect cultural and biological resources, including a Pony Express station, which is a historical landmark surrounded by dune vegetation. This site has been closed to vehicle access since 1988.

Section 1 other comments: There were three comments on making it illegal not to wear helmets or riding double. The BLM feels these are more of a State issue and should be addressed by the State. In addition, there were two comments on using more of California State language for the regulations. The language used in these rules is common Code of

Federal Regulation language and is enforceable as is.

Section 2. b: No comments addressed this paragraph of the supplementary rules. However, in the final rules we have extended the no camping restriction to three miles beyond the boundary of the Recreation Area instead of just one mile. Camping in this area to avoid paying camping fees could have serious negative impacts on two sensitive plant species and 35 historic and prehistoric cultural sites. We find the need to protect these resources constitutes good cause for changing this restriction without further opportunity for public comment. In addition, expansion of this camping restriction will protect two watering tanks maintained by a rancher who leases this area for cattle and a Navy radar site.

Section 2. c: We had a comment on how we will enforce some kind of noise regulation, especially at night. This enforcement will be based on the number of complaints law enforcement personnel receive on the situation, and will be focused on the campground proper. Use of the surrounding area is primarily for motorized recreation, so remoteness and tranquility are not resource values to be protected here, but we wish to assure our visitors that they will have a peaceful night's sleep.

Section 2. d and Section 3. j: At least half the comments concerned fees. Some individuals felt that no fees should be charged on public lands. Most felt our proposed weekly use fee of \$20 was too high, but that the annual fee was fine. Many of the comments felt that fees are appropriate at Sand Mountain as long as they were used to improve the site. They had opinions on what resource and recreation projects the fees should be used for. The majority of comments said they wanted to see more of a BLM presence on site, law enforcement and otherwise. The BLM's current cost to run Sand Mountain, including facility maintenance and health and safety programs, justifies the current fee schedule.

Section 2. e: This rule was added based on verbal and written complaints about visitors roping off large areas during busy weekends. The campground is limited and there are no reserved spaces, thus the first come first served rule applies.

Section 3. e: Many individuals felt they should be able to light fireworks in the dunes area and did not like this restriction. BLM is complying with a Churchill County ordinance (9.08.020) prohibiting fireworks in the county.

Section 3. f: We received two comments on limiting noise in the

campground and how the BLM will enforce this. See the response in Sec. 2 c.

Section 3. g: We had two comments regarding limiting glass containers on the dunes to prevent damaged tires. However, individuals thought they should be allowed to use glass containers in motor homes or closed vehicles. We amended this section to allow for such uses, because many items necessary for daily living in motor homes come in glass containers, the risk of litter from these sources is substantially less if they are used in the motor homes, and BLM is not inclined to perform routine searches of vehicles for glass containers. We will issue citations to persons found with glass containers outside of vehicles and motor homes.

Section 3. I: This section received the second most responses next to the fee issue. Most individuals felt a definition of gray water should be included or that gray water was not an issue. The BLM is concerned about the health and safety of 40,000-plus visitors a year. The definition was changed to prohibit gray water dumping from a vehicle or trailer. Visitors must dump their water at legal dumping stations presently located in Fallon.

Section 3. k: Two comments suggested that we require dogs to be on a leash or controlled by owners. The BLM felt this a reasonable safety request and added this.

Section 3. l: This rule prohibiting rolling object down dunes was added based on two written comments and many verbal comments received during the comment period by BLM staff at Sand Mountain addressing the safety hazard created by rolling tires down the dunes. The BLM felt this was covered under other recreation articles, but added this as a site specific-prohibited act because of ongoing behavior at Sand Mountain.

Supplementary Rules for the Walker Lake Recreation Area. We received no comments addressing Walker Lake. Thus, this section was left as presented in the interim final rule.

IV. Procedural Matters

These supplementary rules are not a significant regulatory action and are not subject to review by Office of Management and Budget under Executive Order 12866. These supplementary rules will not have an effect of \$100 million or more on the economy. They will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or